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Highways & Local Programs Division
Local Agency Guidelines (LAG) Manual
and Certification Acceptance (CA)

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LAG Manual

An agency accepts significant obligations when it receives federal highway funds. This folio provides a brief summary of some of the requirements included in the *Local Agency Guidelines (LAG) Manual* for Local Agencies to follow when using Federal Highway Administration (FHWA) funding. The *LAG Manual* provides guidance on authorizing and administering FHWA funded projects.

Projects are Selected and Processed Prior to Authorization of Federal Funds

Funds granted and administered through FHWA programs are reimbursable. The agency must pay for the project up front, and are then reimbursed through a billing procedure. Projects must be listed in the Statewide Transportation Improvement Program (STIP) before they may be authorized.

Each agency must, in nearly all cases, provide non-federal funds to match the federal funds. The non-federal match amount varies by program, up to 13.5 percent. Agencies must provide specific documentation BEFORE funds may be authorized and expended, including a Project Prospectus (*LAG Manual*, Chapter 21), a Local Agency Agreement (*LAG Manual*, Chapter 22), and other documents depending on the type of project.

Requirements to be Performed Prior to the Authorization of Construction Funds
Environmental

The agency must perform an environmental analysis on the project. The level of analysis will depend on the project and may range from the relatively simple documentation of a Categorical Exclusion (CE), to an Environmental Assessment (EA), or perhaps a full Environmental Impact

Statement (EIS). Along with these requirements, a Biological Assessment (BA) and a Historical/Archaeological Analysis (Section 106) are required on all projects. FHWA reserves approval of all environmental documents.

An Environmental Classification Summary (ECS) is the primary tool for evaluating the level of environmental processes involved in a project. See LAG, Chapter 24.

Right of Way

The agency is required to follow very specific processes, i.e., fair market values, negotiations for compensation and relocations of occupants, under both state and federal law for purchasing of rights of way if the project cannot be constructed inside existing, properly documented rights of way limits. Proper plans must be prepared; environmental clearances completed; appraisals by qualified experts are required, followed by a properly presented offer at fair market value; negotiations for compensation; and finally, relocation of occupants if required. These processes must be followed carefully, and proper certifications completed, prior to construction authorization. See LAG, Chapter 25.

Consultant Selection

Projects must be designed by appropriate design professionals such as licensed architects or engineers. Agencies who choose to use consultants must select them following state and federal laws that require consultants to be selected on the basis of qualifications first, followed with a negotiated contract amount. There are specific processes and requirements to follow in the selection processes. If a local agency elects to retain the consultant at its own cost, not using federal funds, only state law must be followed. However, state and federal laws for consultant selection are very similar. See LAG, Chapter 31.

Project Design

The agency must follow a specific process for approval of the location and design of the project. The agency must design the project utilizing the standards established by the City and County Design Standards Committee in accordance with RCW 35.78 and 43.32.

Plans, Specifications, and Estimates

Contract plans and specifications must conform with a specific set of Standard Specifications with a limited allowance for special provisions, and must have project cost estimates prepared in a specific manner. This phase will also address the federal requirements involved with the Disadvantaged Business Enterprise (DBE) program, Equal Employment Opportunity (EEO), and Title VI programs and the federal prevailing wages. See LAG, Chapter 42.

Project Construction

The agency must follow a specific process for monitoring construction of the project. There are requirements for a pre-construction meeting with the contractor, quality control of the materials and products used in the project, changes or extra work that may occur when unforeseen field conditions arise, assuring compliance by subcontractors with federal requirements, and for the necessary requirements for completing the project documentation in accordance with the *LAG Manual* and *Construction Manual* before final payments may be made. (State administered projects, see LAG, Chapter 51; and agencies, see LAG, Chapter 52.)

Project Maintenance Requirements

The agency must commit to maintenance in perpetuity of the project when it accepts federal funds. This obligation includes all aspects of the project, from pavements to environmental enhancements, and roadside signing in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). (Noted throughout LAG.)

Certification Acceptance (CA)

Certification Acceptance (CA) is a program in which the Federal Highway Administration (FHWA), through a Stewardship Agreement, delegates authority to the Washington State Department of Transportation (WSDOT) for approving project development and construction administration. WSDOT has the option of delegating some or all of this authority to qualified local agencies, state or federal agencies, or tribal governments. This procedure permits an agency to retain more of the approval authority at the local level when developing FHWA assisted transportation projects. The CA program does not eliminate any project development procedures. This and more can be found in *LAG Manual*, Chapter 13.

Benefits to Being a CA Agency

Benefits of being a CA to an agency include savings in time and money since the agency has the authority to develop, advertise, award, and manage its own projects. Some of the items that a CA agency can approve to expedite their projects are as follows:

- Location and design
- Utility agreements
- Railroad agreements
- Standard consulting engineering agreements
- Public hearings, findings, and orders
- Plans, specifications, and estimates
- Tied bids
- Advertisement, award, and execution of construction contracts
- Construction administration
- Construction material testing and testing personnel

Items FHWA and WSDOT Retain Approval For

FHWA

- Authorization of FHWA funds
- Approval of National Environmental Protection Act (NEPA) and Endangered Species Act (ESA) environmental documents
- Right of way certification approval
- Approval of WSDOT’s Disadvantaged Business Enterprises (DBE), Title VI (Civil Rights Act of 1964), and Equal Employment Opportunity (EEO) programs
- Approval of the *LAG Manual*

WSDOT

- Implementation of the DBE, Title VI, and EEO programs
- Agency Certification Acceptance (CA) approval
- Project Final Acceptance
- Documentation/Project Management Reviews

Certification Acceptance Agency

- Projects must be administered in accordance with the *LAG Manual*.
- Projects must be administered utilizing a Professional Civil Engineer registered in the State of Washington who is either on staff as a public employee, or is a contract employee designated as the agency’s Engineer.
- The agency shall have sufficient expertise and capability to perform and supervise the design; environmental; plans, specifications, and estimates (PS&E); and construction-administration phases of the project.
- The agency must have designated an official approving authority. This authority (e.g., agency executive or policy body) must officially approve each project step as identified in the agreement.
- The first project will be considered a trial service. A favorable Performance Management Review (PMR) will result in the agency achieving full CA status.

Becoming a CA Agency

First, an agency must be willing to commit sufficient staff and other resources to project administration to ensure all applicable state and federal requirements are met, and that the work can be accomplished efficiently.

Once that has been decided by the agency’s governing body, an agency wanting to operate under Certification Acceptance procedures must submit two copies of the Certification Acceptance Qualification Agreement and their Table of Organization to WSDOT.

After reviewing the Certification Acceptance Qualification Agreement, WSDOT will conduct an interview with the agency administrators to determine whether the agency is capable of administering an FHWA-funded project. Areas of consideration will include a determination of past performance, current staffing, overall capability, and knowledge of FHWA and state requirements.

Delegation of authority to an agency as authorized in the *LAG Manual*.

Mentoring and/or Oversight on Projects When Needed

WSDOT will consult and advise the CA agency concerning the project-management procedures to be followed. The level of this assistance will depend on the nature of each project and the demonstrated capabilities of the agency. In addition, WSDOT will annually select projects for an in-depth Performance Management Review (PMR). Typical procedural review questions and documents to be examined during this review are listed in Chapter 53 of the *LAG Manual*.

Administering an FHWA Funded Project Without Resources to Become a CA Agency

Option 1

- Full CA Agency Administering a Project for a Non-CA Agency

A Non-CA agency would enter into an Agreement with a full CA agency to administer all aspects of the project.

Option 2

WSDOT will act as the CA for the agency and will approve specific aspects of a project to be performed by the agency based upon their capabilities into an approved plan for the administration of the project. This category allows projects of smaller sizes to be performed in part by the agency, depending upon their capabilities, consideration of the character of the work, dollar value of the project, and duration and complexity of the project. The project plan shall address how each of the following phases of the work will be performed.

- Financing approvals and accounting/billing capabilities
- Development of plans, specifications, and estimates
 - a. Consultant involvement, selection, and monitoring
 - b. Approval of contract documents
- Advertising and award, or use of local agency forces
- Consultant or agency monitoring and documentation